IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 6TH OCTOBER 2006 / 14TH ASWINA 1928

Bail Appl..No. 5674 of 2006()

C.R.NO.158/2006 OF KOTTARAKARA EXCISE RANGE
CR.158/2006 of J.M.F.C.-I,KOTTARAKKARA

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PETITIONER/ACCUSED:

SHAJI, S/O. SOMARAJAN,
KARIYOTTU VEEDU, GANDHIGRAMAM,
CHAKKUVARAKKAL VILLAGE, KOTTARAKARA.

BY ADV. SRI.K.V.ANIL KUMAR

RESPONDENTS: COMPLAINANT:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

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B.A. No. 5674 of 2006

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Dated this the 6th day of October, 2006

O R D E R

The petitioner was arrested on 21/08/2006, for the offence punishable under Section 8(1) and 8(2) of the Abkari Act, in C.R.No.158/2006 of Excise Range, Kottarakara.

2. During the hearing, the learned Public Prosecutor submitted that there is another case, C.R.No.71/2005, which has been committed by the petitioner for the Abkari offence. The granting of the bail was opposed by the prosecutor in those grounds and because of the operation of Section 41A of the Abkari Act, this Court was reluctant to grant bail, when the application came up today.

3. In the above situation, the learned counsel for the petitioner, Mr.K.V.Anilkumar, submitted that the petitioner may be permitted to withdraw the application. Accordingly, on recording the submission of the learned counsel for the petitioner, this application is dismissed as withdrawn.

Communicate this order, immediately, to the sessions court as well as the Magistrate court.

(J.M.JAMES)
Judge

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